

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

COOK'S FABRICATION & WELDING, INC.,	)	
	)	
Plaintiff/Appellant,	)	No. ED96465
	)	
v.	)	Appeal from the Circuit Court
	)	of St. Charles County
	)	0811-CV03607
MID-CONTINENT CASUALTY CO.,	)	
	)	Honorable Nancy Schneider
Defendant/Respondent,	)	
	)	Filed: January 31, 2012
and	)	
	)	
GREYSTONE, INC.,	)	
	)	
Defendant/Appellant.	)	

Appellants Cook's Fabrication and Welding, Inc. (Cook's), and Greystone, Inc. (Greystone), appeal the trial court's grant of summary judgment in favor of Mid-Continent Casualty Co. (Mid-Continent), finding no coverage for business losses caused by Cook's negligence under the commercial general liability (CGL) policy issued to Cook's by Mid-Continent.

REVERSED AND REMANDED.

Division One Holds: The CGL policy's exclusion for "Damage To Your Work" did not apply to alleged damage to property that was not Cook's "work." The allegations in lawsuits against Cook's stated potentially covered claims, and Mid-Continent had a duty to defend. We reverse the trial court's grant of summary judgment to Mid-Continent and remand for a determination of the amount of damages to property that was not Cook's work and was thus covered by the policy. We reverse the trial court's dismissal of Greystone's derivative cross-claim against Mid-Continent. We do not have jurisdiction to review the denial of Cook's motion for summary judgment.

Opinion by: Gary M. Gaertner, Jr., J.  
Clifford H. Ahrens, P.J., and Roy L. Richter, J., concur.

Attorneys for Appellant Cook's: Theodore G. Pashos, Yvonne M. Yarnell, Jeffrey Gamber  
Attorneys for Appellant Greystone: Steven H. Schwartz, Teresa M. Young  
Attorneys for Respondent: Kurtis B. Reeg, Timothy A. McGuire, Philip Sholtz

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